

HOUSE BILL No. 1581

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-5-15; IC 11-12; IC 11-14-4-3; IC 12-13-5-2; IC 15-5-1.1-15.1; IC 22-15-5-16; IC 25-1; IC 25-22.5-5-2.5; IC 25-23.5-5-8; IC 25-27.5-4-3; IC 31-14; IC 31-16-12-6; IC 31-17-4-8; IC 31-37-19-5; IC 35-38-2.5-6; IC 35-41-1-4.6; IC 36-10-2-4.

Synopsis: Community restitution. Changes references in the Indiana Code from "community restitution or service" to "community restitution".

Effective: July 1, 2003.

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January 16, 2003, read first time and referred to Committee on Human Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1581

A BILL FOR AN ACT to amend the Indiana Code concerning community restitution.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-5-15, AS AMENDED BY P.L.32-2000,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 15. (a) In addition to any criminal penalty
4 imposed for an offense under this chapter, the court shall:

5 (1) order:

6 (A) that the person be imprisoned for at least five (5) days; or

7 (B) the person to perform at least thirty (30) days of
8 community restitution; ~~or service~~; and

9 (2) order the person to receive an assessment of the person's
10 degree of alcohol and drug abuse and, if appropriate, to
11 successfully complete an alcohol or drug abuse treatment
12 program, including an alcohol deterrent program if the person
13 suffers from alcohol abuse;

14 if the person has one (1) previous conviction of operating while
15 intoxicated.

16 (b) In addition to any criminal penalty imposed for an offense under
17 this chapter, the court shall:



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(1) order:

(A) that the person be imprisoned for at least ten (10) days; or

(B) the person to perform at least sixty (60) days of community restitution; ~~or service~~; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if the person has at least two (2) previous convictions of operating while intoxicated.

(c) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, a sentence imposed under this section may not be suspended. The court may require that the person serve the term of imprisonment in an appropriate facility at whatever time or intervals (consecutive or intermittent) determined appropriate by the court. However:

(1) at least forty-eight (48) hours of the sentence must be served consecutively; and

(2) the entire sentence must be served within six (6) months after the date of sentencing.

(d) Notwithstanding IC 35-50-6, a person does not earn credit time while serving a sentence imposed under this section.

SECTION 2. IC 11-12-1-2.5, AS AMENDED BY P.L.32-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.5. (a) The community corrections programs described in section 2 of this chapter may include the following:

(1) Residential or work release programs.

(2) House arrest, home detention, and electronic monitoring programs.

(3) Community restitution ~~or service~~ programs.

(4) Victim-offender reconciliation programs.

(5) Jail services programs.

(6) Jail work crews.

(7) Community work crews.

(8) Juvenile detention alternative programs.

(9) Day reporting programs.

(10) Other community corrections programs approved by the department.

(b) The community corrections board may also coordinate and operate educational, mental health, drug or alcohol abuse counseling, housing, as a part of any of these programs, or supervision services for persons described in section 2 of this chapter.

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SECTION 3. IC 11-12-8-1, AS AMENDED BY P.L.32-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this chapter, "community corrections program" means a community based program that provides preventive services, services to criminal or juvenile offenders, services to persons charged with a crime or an act of delinquency, services to persons diverted from the criminal or delinquency process, services to persons sentenced to imprisonment, or services to victims of crime or delinquency that may include the following:

- (1) Residential programs.
- (2) Work release programs.
- (3) House arrest, home detention, and electronic monitoring programs.
- (4) Community restitution ~~or service~~ programs.
- (5) Victim-offender reconciliation programs.
- (6) Jail services programs.
- (7) Jail work crews.
- (8) Community work crews.
- (9) Juvenile detention alternative programs.
- (10) Study release programs.

SECTION 4. IC 11-14-4-3, AS AMENDED BY P.L.32-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A transition officer to whom a boot camp graduate reports under section 1 of this chapter shall coordinate conditions of transition for the graduate with the probation department of the sentencing court, including the following:

- (1) Continued education.
- (2) Follow-up counseling.
- (3) Community restitution ~~or service~~ work.
- (4) Continuing drug and alcohol treatment intervention.
- (5) Activities designed to assist a boot camp graduate with reintegration into the community.

(b) A transition officer shall schedule personal contact with the graduate.

SECTION 5. IC 12-13-5-2, AS AMENDED BY P.L.32-2000, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The division shall administer the following:

- (1) The Interstate Compact on the Placement of Children (IC 12-17-8).
- (2) Any sexual offense services.
- (3) A child development associate scholarship program.
- (4) Any school age dependent care program.



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- (5) Migrant day care services.
- (6) Any youth services programs.
- (7) Project safe place.
- (8) Prevention services to high risk youth.
- (9) Any commodities program.
- (10) The migrant nutrition program.
- (11) Any emergency shelter programs.
- (12) Any weatherization programs.
- (13) The Housing Assistance Act of 1937 (42 U.S.C. 1437).
- (14) The home visitation and social services program.
- (15) The educational consultants program.
- (16) Child abuse prevention programs.
- (17) Community restitution ~~or service~~ programs.
- (18) The crisis nursery program.
- (19) Energy assistance programs.
- (20) Domestic violence programs.
- (21) Social services programs.
- (22) Assistance to migrants and seasonal farmworkers.
- (23) The step ahead comprehensive early childhood grant program.
- (24) Any other program:
 - (A) designated by the general assembly; or
 - (B) administered by the federal government under grants consistent with the duties of the division.

SECTION 6. IC 15-5-1.1-15.1, AS AMENDED BY P.L.32-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15.1. (a) The board may refuse to issue a registration or may issue a probationary registration to an applicant for registration as a veterinary technician under this chapter if:

- (1) the applicant has been disciplined by a licensing entity of another state or jurisdiction; and
- (2) the violation for which the applicant was disciplined has a direct bearing on the applicant's ability to competently practice as a veterinary technician in Indiana.

(b) Whenever issuing a probationary registration under this section, the board may impose any or a combination of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution ~~or service~~ without



compensation for a number of hours specified by the board.

(c) The board shall remove any limitations placed on a probationary registration issued under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

(d) This section does not apply to an individual who currently holds a registration certificate under this chapter.

SECTION 7. IC 22-15-5-16, AS ADDED BY P.L.119-2002, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter.

(5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;

(6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(7) continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(10) had disciplinary action taken against the practitioner or the

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practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;

(11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(12) allowed a license issued by the department to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

(1) Permanent revocation of a practitioner's license.

(2) Suspension of a practitioner's license.

(3) Censure of a practitioner.

(4) Issuance of a letter of reprimand.

(5) Assess a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution ~~or service~~ without compensation, that

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the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-6.
- (2) Possession of a controlled substance under IC 35-48-4-7(a).
- (3) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (4) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (5) Dealing in paraphernalia as a Class D felony under

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IC 35-48-4-8.5(b).

(6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(7) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.

(8) Maintaining a common nuisance under IC 35-48-4-13.

(9) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (10).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (1) through (11).

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-1.

(2) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(3) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(4) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(5) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(6) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(7) Dealing in a counterfeit substance under IC 35-48-4-5.

(8) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

(9) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through (8).

(10) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (9).

(11) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially

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1 similar to the elements of an offense described under clauses (1)
2 through (10).

3 (12) A violation of any federal or state drug law or rule related to
4 wholesale legend drug distributors licensed under IC 25-26-14.

5 (i) A decision of the department under subsections (b) through (h)
6 may be appealed to the commission under IC 4-21.5-3-7.

7 (j) The department may temporarily suspend a practitioner's license
8 under IC 4-21.5-4 before a final adjudication or during the appeals
9 process if the department finds that a practitioner represents a clear and
10 immediate danger to the public's health, safety, or property if the
11 practitioner is allowed to continue to practice.

12 (k) On receipt of a complaint or an information alleging that a
13 person licensed under this chapter has engaged in or is engaging in a
14 practice that jeopardizes the public health, safety, or welfare, the
15 department shall initiate an investigation against the person.

16 (l) Any complaint filed with the office of the attorney general
17 alleging a violation of this licensing program shall be referred to the
18 department for summary review and for its general information and any
19 authorized action at the time of the filing.

20 (m) The department shall conduct a fact finding investigation as the
21 department considers proper in relation to the complaint.

22 (n) The department may reinstate a license that has been suspended
23 under this section if, after a hearing, the department is satisfied that the
24 applicant is able to practice with reasonable skill, safety, and
25 competency to the public. As a condition of reinstatement, the
26 department may impose disciplinary or corrective measures authorized
27 under this chapter.

28 (o) The department may not reinstate a license that has been
29 revoked under this chapter. An individual whose license has been
30 revoked under this chapter may not apply for a new license until seven
31 (7) years after the date of revocation.

32 (p) The department shall seek to achieve consistency in the
33 application of sanctions authorized in this chapter. Significant
34 departures from prior decisions involving similar conduct must be
35 explained in the department's findings or orders.

36 (q) A practitioner may petition the department to accept the
37 surrender of the practitioner's license instead of having a hearing before
38 the commission. The practitioner may not surrender the practitioner's
39 license without the written approval of the department, and the
40 department may impose any conditions appropriate to the surrender or
41 reinstatement of a surrendered license.

42 (r) A practitioner who has been subjected to disciplinary sanctions

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may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 8. IC 25-1-9-9, AS AMENDED BY P.L.211-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the board upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the board;
 - (C) continue or renew professional education under a preceptor, or as otherwise directed or approved by the board, until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution ~~or service~~ without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.
- (6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars (\$1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount



1 assessed. If the practitioner fails to pay the fine within the time
 2 specified by the board, the board may suspend the practitioner's
 3 license without additional proceedings. However, a suspension
 4 may not be imposed if the sole basis for the suspension is the
 5 practitioner's inability to pay a fine.

6 (b) The board may withdraw or modify the probation under
 7 subsection (a)(5) if it finds, after a hearing, that the deficiency that
 8 required disciplinary action has been remedied, or that changed
 9 circumstances warrant a modification of the order.

10 SECTION 9. IC 25-1-9-16, AS AMENDED BY P.L.32-2000,
 11 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2003]: Sec. 16. (a) The board may refuse to issue a license or
 13 may issue a probationary license to an applicant for licensure if:

- 14 (1) the applicant has been disciplined by a licensing entity of
 15 another state or jurisdiction, or has committed an act that would
 16 have subjected the applicant to the disciplinary process had the
 17 applicant been licensed in Indiana when the act occurred; and
 18 (2) the violation for which the applicant was, or could have been,
 19 disciplined has a direct bearing on the applicant's ability to
 20 competently practice in Indiana.

21 (b) Whenever the board issues a probationary license, the board may
 22 impose one (1) or more of the following conditions:

- 23 (1) Report regularly to the board upon the matters that are the
 24 basis of the discipline of the other state or jurisdiction.
 25 (2) Limit practice to those areas prescribed by the board.
 26 (3) Continue or renew professional education.
 27 (4) Engage in community restitution ~~or service~~ without
 28 compensation for a number of hours specified by the board.
 29 (5) Perform or refrain from performing an act that the board
 30 considers appropriate to the public interest or to the rehabilitation
 31 or treatment of the applicant.

32 (c) The board shall remove any limitations placed on a probationary
 33 license under this section if the board finds after a hearing that the
 34 deficiency that required disciplinary action has been remedied.

35 SECTION 10. IC 25-1-11-12, AS AMENDED BY P.L.32-2000,
 36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2003]: Sec. 12. (a) The board may impose any of the
 38 following sanctions, singly or in combination, if the board finds that a
 39 practitioner is subject to disciplinary sanctions under sections 5
 40 through 9 of this chapter:

- 41 (1) Permanently revoke a practitioner's license.
 42 (2) Suspend a practitioner's license.

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(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution ~~or service~~ without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

SECTION 11. IC 25-22.5-5-2.5, AS AMENDED BY P.L.32-2000, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.5. (a) The board may:

(1) refuse to issue a license;

(2) issue an unlimited license; or

(3) issue a probationary license to an applicant for licensure by examination or endorsement;

if the applicant has had a license revoked under this chapter and is applying for a new license after the expiration of the period prescribed by IC 25-1-9-12.

(b) When issuing a probationary license under this section, the board may require the individual holding the license to perform any of the following acts as a condition for the issuance of a probationary

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license:

- (1) Submit a regular report to the board concerning matters that are the basis of probation.
- (2) Limit the practice of the individual to the areas prescribed by the board.
- (3) Continue or renew the individual's professional education.
- (4) Perform or refrain from performing acts, as the board considers appropriate to the public interest or the rehabilitation of the individual.
- (5) Engage in community restitution ~~or service~~ without compensation for a number of hours specified by the board.
- (6) Any combination of these conditions.

(c) If the board determines following a hearing that the deficiency requiring disciplinary action concerning the individual has been remedied, the board shall remove any limitation placed on the individual's license under subsection (b).

SECTION 12. IC 25-23.5-5-8, AS AMENDED BY P.L.32-2000, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) If the committee issues a probationary certificate under section 7 of this chapter, the committee may require the person who holds the certificate to perform one (1) or more of the following conditions:

- (1) Report regularly to the committee upon a matter that is the basis for the probation.
- (2) Limit practice to areas prescribed by the committee.
- (3) Continue or renew professional education.
- (4) Engage in community restitution ~~or service~~ without compensation for a number of hours specified by the committee.

(b) The committee shall remove a limitation placed on a probationary certificate if after a hearing the committee finds that the deficiency that caused the limitation has been remedied.

SECTION 13. IC 25-27.5-4-3, AS AMENDED BY P.L.32-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) If the committee issues a probationary certificate under section 2 of this chapter, the committee may require the individual who holds the certificate to meet at least one (1) of the following conditions:

- (1) Report regularly to the committee upon a matter that is the basis for the probation.
- (2) Limit practice to areas prescribed by the committee.
- (3) Continue or renew professional education.
- (4) Engage in community restitution ~~or service~~ without

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1 compensation for a number of hours specified by the committee.

2 (b) The committee shall remove a limitation placed on a
3 probationary certificate if after a hearing the committee finds that the
4 deficiency that caused the limitation has been remedied.

5 SECTION 14. IC 31-14-12-3, AS AMENDED BY P.L.86-2002,
6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2003]: Sec. 3. (a) If the court finds that a party is delinquent
8 as a result of an intentional violation of an order for support, the court
9 may find the party in contempt of court.

10 (b) If an action or request to enforce payment of a child support
11 arrearage is commenced not later than ten (10) years after:

12 (1) the child becomes eighteen (18) years of age; or

13 (2) the emancipation of the child;

14 whichever occurs first, the court may, upon a request by the person or
15 agency entitled to receive child support arrearages, find a party in
16 contempt of court.

17 (c) The court may order a party who is found in contempt of court
18 under this section to:

19 (1) perform community restitution ~~or service~~ without
20 compensation in a manner specified by the court; or

21 (2) seek employment.

22 SECTION 15. IC 31-14-15-4, AS AMENDED BY P.L.32-2000,
23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2003]: Sec. 4. A court that finds a violation without justifiable
25 cause by a custodial parent of an injunction or a temporary restraining
26 order issued under this chapter (or IC 31-6-6.1-12.1 before its repeal):

27 (1) shall find the custodial parent in contempt of court;

28 (2) shall order the exercise of visitation that was not exercised due
29 to the violation under this section (or IC 31-6-6.1-12.1(e) before
30 its repeal) at a time the court considers compatible with the
31 schedules of the noncustodial parent and the child;

32 (3) may order payment by the custodial parent of reasonable
33 attorney's fees, costs, and expenses to the noncustodial parent;
34 and

35 (4) may order the custodial parent to perform community
36 restitution ~~or service~~ without compensation in a manner specified
37 by the court.

38 SECTION 16. IC 31-16-12-6, AS AMENDED BY P.L.86-2002,
39 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2003]: Sec. 6. (a) If the court finds that a party is delinquent
41 as a result of an intentional violation of an order for support, the court
42 may find the party in contempt of court. If an action or request to

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1 enforce payment of a child support arrearage is commenced not later
2 than ten (10) years after:

- 3 (1) the child becomes eighteen (18) years of age; or
- 4 (2) the emancipation of the child;

5 whichever occurs first, the court may, upon a request by the person or
6 agency entitled to receive child support arrearages, find a party in
7 contempt of court.

8 (b) The court may order a party who is found in contempt of court
9 under this section to:

- 10 (1) perform community restitution ~~or service~~ without
11 compensation in a manner specified by the court; or
- 12 (2) seek employment.

13 SECTION 17. IC 31-17-4-8, AS AMENDED BY P.L.32-2000,
14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2003]: Sec. 8. A court that finds an intentional violation
16 without justifiable cause by a custodial parent of an injunction or a
17 temporary restraining order issued under this chapter (or
18 IC 31-1-11.5-26 before its repeal):

- 19 (1) shall find the custodial parent in contempt of court;
- 20 (2) shall order the exercise of visitation that was not exercised due
21 to the violation under this section at a time the court considers
22 compatible with the schedules of the noncustodial parent and the
23 child;
- 24 (3) may order payment by the custodial parent of reasonable
25 attorney's fees, costs, and expenses to the noncustodial parent;
26 and
- 27 (4) may order the custodial parent to perform community
28 restitution ~~or service~~ without compensation in a manner specified
29 by the court.

30 SECTION 18. IC 31-37-19-5, AS AMENDED BY P.L.116-2002,
31 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2003]: Sec. 5. (a) This section applies if a child is a delinquent
33 child under IC 31-37-1.

34 (b) The juvenile court may, in addition to an order under section 6
35 of this chapter, enter at least one (1) of the following dispositional
36 decrees:

- 37 (1) Order supervision of the child by:
- 38 (A) the probation department; or
- 39 (B) the county office of family and children.

40 As a condition of probation under this subdivision, the juvenile
41 court shall after a determination under IC 5-2-12-4 require a child
42 who is adjudicated a delinquent child for an act that would be an

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offense described in IC 5-2-12-4 if committed by an adult to register with the sheriff (or the police chief of a consolidated city) under IC 5-2-12.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution ~~or service~~ for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 19. IC 35-38-2.5-6, AS AMENDED BY P.L.32-2000, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. An order for home detention of an offender under section 5 of this chapter must include the following:

(1) A requirement that the offender be confined to the offender's home at all times except when the offender is:

(A) working at employment approved by the court or traveling to or from approved employment;

(B) unemployed and seeking employment approved for the offender by the court;

(C) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the offender by the court;

(D) attending an educational institution or a program approved for the offender by the court;

(E) attending a regularly scheduled religious service at a place of worship; or

(F) participating in a community work release or community restitution ~~or service~~ program approved for the offender by the court.

(2) Notice to the offender that violation of the order for home detention may subject the offender to prosecution for the crime of

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1 escape under IC 35-44-3-5.

2 (3) A requirement that the offender abide by a schedule prepared
3 by the probation department, or by a community corrections
4 program ordered to provide supervision of the offender's home
5 detention, specifically setting forth the times when the offender
6 may be absent from the offender's home and the locations the
7 offender is allowed to be during the scheduled absences.

8 (4) A requirement that the offender is not to commit another
9 crime during the period of home detention ordered by the court.

10 (5) A requirement that the offender obtain approval from the
11 probation department or from a community corrections program
12 ordered to provide supervision of the offender's home detention
13 before the offender changes residence or the schedule described
14 in subdivision (3).

15 (6) A requirement that the offender maintain:

16 (A) a working telephone in the offender's home; and

17 (B) if ordered by the court, a monitoring device in the
18 offender's home or on the offender's person, or both.

19 (7) A requirement that the offender pay a home detention fee set
20 by the court in addition to the probation user's fee required under
21 IC 35-38-2-1 or IC 31-40. However, the fee set under this
22 subdivision may not exceed the maximum fee specified by the
23 department of correction under IC 11-12-2-12.

24 (8) A requirement that the offender abide by other conditions of
25 probation set by the court under IC 35-38-2-2.3.

26 SECTION 20. IC 35-41-1-4.6, AS ADDED BY P.L.32-2000,
27 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2003]: Sec. 4.6. (a) "Community restitution" ~~or service~~
29 means performance of services directly for a:

30 (1) victim;

31 (2) nonprofit entity; or

32 (3) governmental entity;

33 without compensation, including graffiti abatement, park maintenance,
34 and other community ~~service~~ **restitution** activities.

35 (b) The term does not include the reimbursement under
36 IC 35-50-5-3 or another law of damages or expenses incurred by a
37 victim or another person as the result of a violation of law.

38 SECTION 21. IC 36-10-2-4, AS AMENDED BY P.L.32-2000,
39 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2003]: Sec. 4. A unit may establish, aid, maintain, and operate
41 libraries and museums, cultural, historical, and scientific facilities and
42 programs, and community restitution ~~or service~~ facilities and programs.

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1 SECTION 22. [EFFECTIVE JULY 1, 2003] (a) A court order
2 issued before July 1, 2003, that requires a person to perform:

3 (1) community restitution or service; or

4 (2) community service;

5 shall be considered to be a court order that requires the person to
6 perform community restitution.

7 (b) This SECTION expires July 1, 2008.

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